

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, AFL-CIO,
et al.,

No. C 25-01780 WHA

Plaintiffs,

v.

**ORDER ON STIPULATION TO
DISMISS**

UNITED STATES OFFICE OF
PERSONNEL MANAGEMENT, et al.,

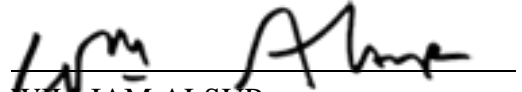
Defendants.

The parties have stipulated to “dismiss” plaintiffs’ fifth claim for relief without prejudice (Dkt. No. 234). Our court of appeals has held that Rule 41(a) “does not allow for piecemeal dismissals. Instead, withdrawals of individual claims against a given defendant are governed by Fed.R.Civ.P. 15, which addresses amendments to pleadings.” *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 687 (9th Cir. 2005). “The fact that a voluntary dismissal of a claim under Rule 41(a) is properly labeled an amendment under Rule 15 is a technical, not a substantive, distinction.” *Id.* at 689. “A district court may [therefore] construe such a stipulation as an unopposed request to amend the complaint and withdraw the claim in question under Rule 15(a).” *Harrosh v. Tahoe Reg’l Plan. Agency*, 640 F. Supp. 3d 962, 971 (E.D. Cal. 2022) (Judge Kimberly Muller) (citing *Hells Canyon*, 403 F.3d at 688–89).

1 The undersigned construes the parties' wayward stipulation to "dismiss" as an unopposed
2 request to strike plaintiffs' fifth claim for relief (and related allegations) from the operative
3 complaint pursuant to Rule 15(a)(2). The unopposed request is **GRANTED**. Plaintiffs shall file
4 an amended complaint in line with this order by **AUGUST 12, 2025, AT NOON**.

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6 **IT IS SO ORDERED.**

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8 Dated: August 6, 2025

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11 WILLIAM ALSUP
12 UNITED STATES DISTRICT JUDGE
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